Court No.2.

Writ Petition No. 1890(M/B) of 2001
(Old No.17693/1993)

Batal Singh and another	……	Petitioner
	Vs.	
State and others	…….	Respondents
	……	

Writ Petition No. 1891 (M/B) of 2001
(Old No.34891/1994)

Dhani Ram and others	……	Petitioner
	Vs.	
State and others	…….	Respondents

Hon. P.C. Verma, A.C.J.
Hon. Irshad Hussain, J.

Both these petitions are interconnected, therefore, they may be disposed of by this common order.

Heard Sri Ranjit Saxena, learned counsel for the petitioners and learned C.S.C.

These petitions were filed prior to the creation of the Uttaranchal. The grievance of the petitioners is that they have not been given Bhumidhari rights in relation to the land allotted after acquisition of their land by the Government. The land which was acquired from the petitioners were Bhumidhari land and the petitioners are, therefore, entitled to be compensated in the same terms.

Learned counsel for the respondents submitted that the docrine of eminent domain is attracted in this case. Therefore, it is the sole discretion of the State Government to confer status to the petitioner for their right for which the petitioners made representations to the State of Uttaranchal. The same shall be disposed of by speaking order.

Considering the nature of the grievance, we find force in the suggestion made by the learned C.S.C. Let the representations be made by the petitioners to the State Government i.e. Secretary (Revenue) to Government of Uttaranchal, who shall pass speaking order on their representations within a period of one and half months from the date of receipt of representation.

With the aforesaid observations, the writ petitions are disposed of.

(P.C. Verma, A.C.J.) (Irshad Hussain, J.)

Dt. 18.4.2003
A